

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT
TEXARKANA DIVISION**

IN RE:	§	
Henry E. Shoals	§	CASE NO. 14-50210-bp
DEBTOR	§	
	§	
Vanderbilt Mortgage and Finance, Inc.	§	
MOVANT	§	
	§	
Vs.	§	
	§	
Henry E. Shoals	§	CHAPTER 13
DEBTOR/RESPONDENT	§	

**MOTION FOR RELIEF FROM AUTOMATIC STAY AGAINST MANUFACTURED
HOME, SERIAL NO. AND, IN THE ALTERNATIVE, FOR ADEQUATE
PROTECTION, WAIVER OF 30 DAY HEARING REQUIREMENT AND REQUEST
FOR HEARING IN TEXARKANA, TEXAS**

NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A WRITTEN OBJECTION IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS PLEADING WITHIN FOURTEEN (14) DAYS FROM THE DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH OBJECTION. IF NO OBJECTION IS TIMELY SERVED AND FILED, THIS PLEADING SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF AN OBJECTION IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING. IF YOU FAIL TO APPEAR AT THE HEARING, YOUR OBJECTION MAY BE STRICKEN. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.

COMES NOW Vanderbilt Mortgage and Finance, Inc., Movant, and files this Motion to Terminate Stay and, in the Alternative, for Adequate Protection, and for cause would respectfully

show the Court as follows:

1. This Court has jurisdiction over the subject matter of this Motion pursuant to the provisions of 28 U.S.C. Section 157 and 11 U.S.C. Sections 361 and 362.

2. On December 18, 2014, the Debtor filed with this Court a Voluntary Petition initiating this case under the United States Bankruptcy Code. As a result of the filing, the Automatic Stay provisions of Section 362 of the Bankruptcy Code took effect, thereby prohibiting the commencement or continuation of any further proceedings against the Debtor.

3. Movant is the holder of a first lien on manufactured home, more particularly described by Serial No. CSS007341TXA/ B, located at 146 Waterworks Rd, Texarkana, TX 75501.

Henry E. Shoals executed a Retail Installment Contract on May 11, 2006 in favor of Vanderbilt Mortgage and Finance, Inc. in the original amount of \$74,385.00 ("Contract"), attached as Exhibit A and incorporated herein by reference. Said Contract is secured by manufactured home more particularly described in Statement of Ownership/ Title ("Title"), attached as Exhibit B and incorporated herein by reference. Vanderbilt Mortgage and Finance, Inc. is current holder of Title.

4. Cause exists for termination of the Automatic Stay because Henry E. Shoals has failed to make post-petition payments in the amount of \$2,664.69 for the months of March 5, 2016 through May 5, 2016 and therefore has not been offered adequate protection for its interest in the property during the bankruptcy. Failure to terminate or modify the Stay will result in irreparable injury, loss and damage to Vanderbilt Mortgage and Finance, Inc. due to the substantial arrearage and the declining value of the property.

5. In the alternative, if the Motion to Terminate Automatic Stay is not granted to permit Vanderbilt Mortgage and Finance, Inc. to take possession of and to foreclose its security interest in

the property, Movant requests and hereby moves that the Debtor be ordered, pursuant to 11 U.S.C. Section 361, to provide it with adequate protection for its interest in the property.

WHEREFORE, PREMISES CONSIDERED, Movant prays that this Court terminate the Automatic Stay, allow it to take possession of and foreclose its security interest in the property, and, in the alternative, if the Stay is not terminated as herein requested, that this Court order the Debtor to afford Movant adequate protection for its interest in the property, and that the Court grant such other and further relief to which Vanderbilt Mortgage and Finance, Inc. may show itself to be justly entitled.

Respectfully submitted,

CRAIG C. LESOK, PLLC

/s/ Craig C. Lesok

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion for Relief from Automatic Stay and, in the Alternative, for Adequate Protection, and Proposed Hearing thereon, was mailed on May 13, 2016, by first class mail or electronic mail, to the Debtor, Henry E. Shoals, 2522 Gun Club Road, Texarkana, TX 75501, to Rodney Dale McDaniel, 4503 Texas Blvd, Ste C, Texarkana, TX 75503, Attorney for Debtor, to the Office of the U.S. Trustee, 110 N. College, #300, Tyler, TX 75702 and to the Office of the Chapter 13 Trustee, Carey Ebert, P.O. Box 941166, Plano, TX 75094.

/s/ **Craig C. Lesok**
Craig C. Lesok